

REMARKS

Claims 1-4, 6-10, and 12-24 remain pending. Claims 5 and 11 have been canceled and their subject matter incorporated into claims 1 and 10, respectively.

In the Office Action, the Examiner stated the proper content of an Abstract; required restriction to one of Groups I (claims 10-16) and II (claims 22-24); rejected claims 1-5, 7-9, and 17-20 under 35 U.S.C. § 103(a) as being unpatentable over Song (US Patent No. 6,072,541) in view of Stoel et al. (US Patent No. 5,675,828); and rejected claims 6 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Song in view of Crump (US Patent No. 5,801,785).

Regarding the Abstract, Applicant notes that no particular defect was alleged, and Applicant believes that the Abstract as filed is compliant with applicable USPTO rules.

Applicant respectfully elects Group I (claims 10 and 12-16) with traverse for the following reasons.

First, Applicant notes the impropriety of an initial restriction at the same time as an action on the merits. See M.P.E.P. § 810 and § 811 (“In general . . . no action on the merits is given.” and “a restriction requirement ‘will normally be made before any action upon the merits’ ”). No reason has been given for this departure from usual practice, and it certainly complicates prosecution and likely delays it. Applicant respectfully requests a new, non-final Office Action so that the merits of all claims, not just claims 1-9 and 17-21 as in this Office Action, may be addressed by Applicant.

Second, groups I and II are not “subcombinations disclosed as usable together” with no “overlap in scope” as alleged. There is no disclosure in the application that the subject matter of claims 10 (Group I) and 22 (Group II) are “usable together.” If the Examiner disagrees, he is respectfully requested to cite such disclosure of the two methods in claims 10 and 22 being “usable together” in the application.

Rather, these two groups of claims are just different ways with varying scope to claim the same disclosed subject matter. They certainly overlap in scope: for example, both require receiving video information, detecting tags therein, and performing action based on these tags. Moreover, the “modulating the two video streams onto different channels” in claim 22 is a more

specific case of “directing portions of the video game information to different displays” in claim 10 as amended. There is substantial overlap in scope between Groups I and II, further illustrating that they are not subcombinations usable together.

As far as the allegation of separate utility of “receiving video information over a communication link,” the amendment to claim 10 has removed any distinction in the type of information. Also, the “receiving video game information including two distinct video streams” set forth in claim 22 (Group II) does not exclude such information being received “over a communication link,” because claim 22 is drafted in an open-ended (i.e., “comprising”) format. Hence, neither of Groups I and II has separate utility as alleged.

Finally, the amendment of Group I to include “video game information” likely removes any burden on the Examiner from searching different art for the two groups. The search for both Groups I and II has likely already been performed for the action on the merits of claims 1-9 and 17-20. For these reasons, the Restriction Requirement should be withdrawn, and all of claims 10, 12-16, and 22-24 should be examined together.

Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 1-4 and 7-9 over Song in view of Stoel et al. Claims 1-4 and 7-9 as amended require an apparatus including, *inter alia*, “a detection and steering module to detect tag information in the video game data and to route the video game data based on the tag information; and a plurality of modulators respectively corresponding to the plurality of buffers to modulate the video data from the plurality of buffers at different frequencies.” The combination of Song and Stoel et al., even if it were proper, fails to teach or suggest all the limitations of claims 1-4 and 7-9.

Page 5 of the Office Action alleges that cols. 12 and 13 and Fig. 8 of Song teach or suggest the claimed detection and steering module. The claimed module, however, requires “to detect tag information in the video game data and to route the video game data based on the tag information.” The flow chart in Fig. 8 and the switching circuit in Fig. 5 of Song do not teach or suggest detecting “tag information in the video game data” or routing based on such tag information. Rather, Song teaches only user selection of video via a button (see col. 12, lines 29-31 “Further, there are installed a button 4 which is used for selecting the video switching

function”; col. 12, line 57 “if the user selects a desired video signal, at step S64”; col. 13, lines 6-8 and 19 “First, the user uses the remote controller 50 and presses the button mounted on the external case of the monitor 40, in order to watch a desired video signal . . . At the time, the user selects a desired video signal at the step S63.”).

The selection via a user’s button push does not reasonably teach or suggest “tag information in the video game data” as required by claims 1-4 and 7-9. The § 103(a) rejection should be withdrawn for at least this reason.

Page 6 of the Office Action, with regard to canceled claim 5, alleges that Song teaches or suggests the one of claimed modulators in mixer 40-10. A mixer merely mixes RGB signals; it does not modulate one signal with another. Col. 11, lines 15 and 16, of Song make clear that mixer 40-10 merely outputs RGB, one of its inputs. In no sense does mixer 40-10 “modulate,” and certainly not at one of “different frequencies” as required by amended claims 1-4 and 7-9.

The mixing of RGB color with RGB color does not reasonably teach or suggest one of “a plurality of modulators respectively corresponding to the plurality of buffers to modulate the video data from the plurality of buffers at different frequencies,” as required by claims 1-4 and 7-9. The § 103(a) rejection should be withdrawn for at least this reason.

The lack of a modulator in Song argues strongly against combination with Stoel et al. It is not just a matter of adding plural modulators where one exists as posited by the Examiner on page 6 of the Office Action; the proposed combination would add modulators to a reference that has none. Neither reference teaches or suggests adding plural modulators to the single monitor 40 of Song, because there is only one destination for video information, CRT 40-14. Hence, there is no need for modulators. In this sense, the single-destination reference Song teaches away from the multiple-destination (e.g., guest terminals 22) of Stoel et al.

A *prima facie* case of obviousness has not been established for claims 1-4 and 7-9, because the references as combined fail to teach or suggest all claimed limitations of the claims, and because there is no suggestion or motivation to combine them as proposed.

Applicant respectfully traverses the 35 U.S.C. § 103(a) rejection of claims 17-20 over Song in view of Stoel et al. for similar reasons to those given for claims 1-4 and 7-9 above.

Claims 17-20 require a media center including, *inter alia*, “a module to separate the video game information based on the first and second tags; and a first modulator to modulate first video game information corresponding to the first tag at a first frequency on a media communication link; and a second modulator to modulate second video game information corresponding to the second tag at a second frequency on the media communication link.” The combination of Song and Stoel et al., even if it were proper, fails to teach or suggest all the limitations of claims 17-20.

The additional citation of col. 5, lines 1-10, of Song also fails to teach or suggest the claimed first and second tags included in the video game information. As explained above, the switching in Song is based solely on a user’s button press, and not on tags in video game information, as required by claims 17-20.

Also as explained above, mixer 40-10 is not a “modulator;” does not modulate at a “first frequency;” and also does not modulate “on a media communication link” (note the lack of such communication link in the path to CRT in Fig. 5). The teaching-away explanation as to why one of ordinary skill would not have combined the references applies equally to claims 17-20.

A *prima facie* case of obviousness has not been established for claims 17-20, because the references as combined fail to teach or suggest all claimed limitations of the claims, and because there is no suggestion or motivation to combine them as proposed.

Regarding the rejection of claims 6 and 21, the addition of Crump, even if it were proper, fails to cure the deficiencies in Song noted above.

The prompt issuance of pending claims 1-4, 6-10, and 12-24 as a patent is respectfully requested.

In the event that any outstanding matters remain in this application, Applicant requests that the Examiner contact Alan Pedersen-Giles, attorney for Applicant, at the number below to discuss such matters.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-0221 and please credit any excess

fees to such deposit account.

Respectfully submitted,

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